S.B. CIVIL WRIT PETITION NO.2446/2007
(Dhulji & ors. Vs. State & anr.)

Date of Order :: 5th October 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Ravindra Singh for the petitioner

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Though the matter is posted for dictation of order, learned counsel for the petitioner has appeared today and while expressing regrets for being not present on the earlier occasion has sought permission to make submissions. Having regard to the circumstances, learned counsel has been heard on admission.

Learned counsel has made submissions that similar petitions have already been decided wherein, while dismissing the petitions on the ground of availability of alternative remedy, this court has observed that the petitioners may approach the Appropriate Government for making a reference to the Labour Court and the Government is to refer the same to Labour Court for adjudication if approached by the petitioner. Learned counsel has placed for perusal the order passed in Writ Petition No.2445/2007 decided on 24.05.2007.

Having regard to the facts and circumstances of this case where the petitioners have alleged their date of retrenchment to be of the year 1987, as stated in paragraph-4

of the writ petition, and have chosen to prefer this writ petition in the year 2007 alleging violation of provisions of the Industrial Disputes Act, 1947, this Court is clearly of opinion that no case is made out for interference in any manner in extra-ordinary writ jurisdiction of this Court, more particularly for availability of alternative remedy under the Act of 1947.

For not being inclined to exercise extra-ordinary writ jurisdiction, this Court would not make any comments on the merits of the case. So far taking resort to the alternative remedy is concerned, looking to the fact situation of the present case, the same would be a matter to be dealt with in accordance with law by the authorities concerned, if at all any such proposition be taken up by the petitioners.

Exercise of writ jurisdiction in this matter is refused; and the petition is rejected.

(DINESH MAHESHWARI), J.

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